

Resolution of Local Planning Panel

26 June 2019

Item 3

Development Application: 81 MacLeay Street, Potts Point - D/2019/179

The Panel granted consent to Development Application No. D/2019/179 subject to the conditions set out in [Attachment A](#) to the subject report, subject to the following amendments to the Plan of Management, as set out in Attachment C to the subject report (additions shown in ***bold italics*** and deleted text shown in ~~strikethrough~~):

Premises Management Checklist (Low Impact Premises)

FRANCA

Shop 2 / 81 MacLeay Street, Potts Point, NSW 2011

This plan of management has been prepared in accordance with City of Sydney DCP 2012.

- (a) Describe measures that will be taken to minimise internal and external noise impacts on adjoining properties and how such measures will be implemented;

The following measure will be implemented to minimise internal and external noise impacts on adjoining properties:

- Patrons will be encouraged to leave the premises in a quiet and orderly manner and loitering in front of the premises will be actively discouraged. Management and staff will remain vigilant around the entrance/ exit of the venue until 60 minutes after close of business or the area is deemed cleared.
- There will be no live entertainment with music played within the venue set at a volume set to encourage conversation.
- ~~Music playing within the outdoor area will be at a volume so as not to be audible above accepted street noise levels at any adjoining residential property.~~
- The current acoustic environment is detailed within the acoustic assessment prepared by Renzo Tonin and Associates. Mitigation measures required in association with this proposal are also set out in this report, which form part of this application.
- We anticipate that most patrons of the venue will arrive by foot/ public transport. We do not expect that any increase in traffic volumes and noise will likely be appreciable.

- ***Management is to ensure that patrons do not block or congregate in the vicinity of the entry stairs.***
 - ***The front door is to be in a closed position after the end of external trading hours.***
- (b) Outline the procedures for minimising and managing waste that is generated on site and how and when waste will be collected (eg. disposal of bottles, waste removal etc.)
- ...

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is consistent with the objectives of the B4 Mixed Use Zone in that it contributes to a mixture of compatible land uses.
- (B) The proposed development is considered appropriate to its setting and complies with the relevant planning controls contained in the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposed development is compatible with the character of the area and will not result in unacceptable adverse impacts upon the amenity of surrounding residential properties, subject to the recommended conditions.
- (D) The Plan of Management was amended in response to concerns raised by speakers. Bullet point three on page 1 was deleted to ensure there is no music played in the outdoor area of the restaurant and two bullet points were added to restrict patrons loitering in the shared access entry area and to ensure that the restaurant doors are closed outside external trading hours. The amendments to the Plan of Management seek to protect neighbouring amenity and maintain unobstructed residential access to the building.

Carried unanimously.

D/2019/179